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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined sixth and seventh periodic reports of Madagascar

Addendum

Replies by Madagascar to the list of issues**

[Date received: 15 June 2015]

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1. In response to the invitation made to Madagascar by the Committee on the Elimination of Discrimination against Women to reply to the list of issues and questions in relation to the combined sixth and seventh periodic reports, the Government has produced the present addendum report.

Institutional and legislative framework and access to justice

Inventory and repeal of laws that discriminate against women

2. In view of the fact that Madagascar endured a lengthy sociopolitical crisis between 2009 and late 2013, priority has been given to the production of documents relating to exiting the crisis, including electoral laws and the setting up of different electoral institutions and bodies, and the transition institutions.

3. An inventory of laws that discriminate against women will be made in due course.

Women's access to justice

Legal aid

4. The impediments faced by women in gaining access to justice, particularly in the rural area, stem from their geographic remoteness from the court, the costs incurred in travel expenses, and ignorance of the law and of the procedure for bringing a case to court.

5. To overcome these obstacles, the Legal Education Service of the Ministry of Justice, aims to increase public knowledge of the law and the procedure for protecting women's rights, through radio broadcasts.

Local structure for resolving community disputes

6. In addition, nine legal clinics have been set up in Ambalavao, Ihosy, Sakaraha, Mananjary, Manakara, Farafangana, Taolagnaro, Antananarivo and Toliary. The role of these clinics is to resolve community disputes through conciliation, thereby making it unnecessary for women victims to apply to the court.

7. The clinics are also empowered to disseminate laws relating to the promotion and protection of human rights, including women's rights.

8. In order to replenish funding for the expenses incurred in criminal justice and related matters, the Ministry of Justice is authorized to levy fines.

9. This initiative aims to increase legal aid funding to cover the expenses of persons under court jurisdiction who do not have the financial means to access the justice system.

Training of law enforcement personnel

10. In 2011, the directors of the training colleges for judges, lawyers, the police, the gendarmerie, prison warders and military personnel made a commitment to devote a significant amount of teaching time in their respective institutions to the topic of human rights.

11. A joint training course for human rights trainers from these colleges was organized in Antsirabe, in September 2012, with support from the Office of the High

Commissioner for Human Rights (OHCHR) and the United Nations Development Fund (UNDP). The course covered violence against women and children.

12. In addition, ad hoc training adapted to the specific nature of the work of each law-enforcement professional has been provided in Antsirabe and Antananarivo.

13. In September 2012, military human rights trainers in Antsirabe received training that focused on their day-to-day professional concerns.

14. In Antananarivo, trainers from the training colleges for judges, the prison administration, the police, the gendarmerie and lawyers received training focusing on their respective professional duties.

15. In Taolagnaro in February 2012, with support from OHCHR, the Ministry of Justice provided training on the subject of violence against women and children for judges, police officers, gendarmes and military personnel.

Dissemination of the Convention

16. The Convention has been translated into the Malagasy language and has been circulated for use by law enforcement personnel and members of civil-society organizations working in the human-rights promotion and protection field.

National machinery for the advancement of women

17. A National Symposium on Gender and Development will be organized by the Ministry of Population on 1, 2 and 3 July 2015.

18. Objectives:

- Hold a national consultation to update the National Policy for the Advancement of Women and to prepare a new National Plan of Action on Gender and Development (PANAGED) — an essential tool for achieving the objectives of the General State Plan or the Current National Development Plan, the Millennium Development Goals (MDGs) and the Sustainable Development Goals (SDGs);
- Disseminate and share Madagascar's current situation on gender and development based on the national progress reports on the Beijing Plan of Action;
- Inform key stakeholders of the resolutions of Beijing+20;
- Consider implementing PANAGED II, bearing in mind the need to ensure that the National Machinery for the Advancement of Women has adequate human and technical resources at the national, regional, provincial and municipal levels.

Stereotypes and harmful practices

***The practice of* "moletry"**

19. Concerning the adverse social and cultural practices that discriminate against girls subject to the practice of "moletry".

20. "Moletry", which is practised in some places in the north west of the country, is a type of premarital arrangement involving a dowry, or the promise of a dowry ("moletry" or bride price), from the future husband to the bride's family, consisting of a sum of money and cattle, depending on the agreement reached during the negotiations. The value of the dowry is frequently determined by the social status of the future bride, as well as by her age and looks.

21. When practised in respect of a girl of under 18 years of age, "moletry" is akin to child marriage.

22. The dowry, specifically the cattle, becomes the property of the wife's family after one year of marriage ("volambita"), provided that the wife has not done anything wrong or behaved inappropriately.

23. The bride's parents are the beneficiaries of the price paid in cases of "moletry". Should the wife subject to "moletry" do something wrong, the dowry is not owed.

24. In 2008, in order to combat the practice of "moletry", the Ministry of Justice, supported by UNDP, commissioned a study from the Miaramita attorneys' office to:

- determine the scale of the phenomenon, in particular as it affects girls;
- draw up a road map for eliminating child marriage through "moletry".

25. In view of the results of the study, the Ministry of Justice organized a workshop for all stakeholders including the judicial, health, education, religious and traditional authorities, with the aim of combating the practice of "moletry" with respect to girls under 18 years of age. It also aimed to obtain their commitment to a plan of action to eradicate the practice.

26. At the end of the workshop, a road map was signed and a draft plan of action prepared.

27. The traditional Chiefs undertook to withhold their blessing in cases of "moletry" imposed on girls under 18.

28. Religious authorities of all denominations, Christian and Muslim, promised to undertake awareness-raising actions with their congregations with the aim of eradicating "moletry" imposed on children.

29. The judicial, police and administrative authorities made similar commitments.

30. It had been planned to assess the impacts of the actions undertaken in 2009, but this was not done owing to the crisis.

The abandonment of twins

31. In the Districts of Mananjary and Nosy Varika, the birth of twins is considered by all members of the community as a curse, resulting in an absolute prohibition on keeping such children within their biological family. This prohibition also makes it very difficult for the people concerned to live in the locality of Mananjary.

32. Given this situation, the Ministry of Justice, with support from UNDP, commissioned studies to ascertain the reasons underlying this practice, its scale, and ways and means to eradicate this form of discrimination against twin children.

33. A workshop involving all judicial, police, administrative, religious and traditional authorities of the region was held in Mananjary in 2008. The objective was to raise awareness among participants of the harm done by discrimination against the rights of twins and to obtain their commitment to combat this evil.

34. At the end of the workshop, a road map was signed, constituting the commitment of all stakeholders to undertake concrete actions to eradicate this discrimination. The traditional chiefs, keepers and guardians of custom, are no longer opposed to twins living with their biological family in Manajary. Nonetheless the chiefs (*Ampanjaka*) expressed reservations by withholding their blessing — in other words the parents are not exempt from curses for having broken with custom.

35. Progress has been made in the sense that several parents have decided to live in Manajary with their twin children. Moreover, a parents-of-twins association has been set up to defend the rights of their children. This association can participate in events such as: commemoration of Universal Children's Day or Human Rights Day.

Violence against women

Violence against women and girls

36. In 2012, in partnership with the Groupe Développement NGO, the Ministry of National Education, working through the Office for Mass Education and Civics Teaching (OEMC), joined the fight against the sexual exploitation of children, through preventive actions such as educational radio broadcasts, visits to raise awareness among pupils and parents at schools, and training for 200 teachers in the capital and in Mahajanga on how children can protect themselves against sexual exploitation. These teachers then passed on the knowledge to 3,000 pupils. Manuals, guides and teaching tools dealing with self-protection against child sexual exploitation have been produced and distributed to teachers and pupils.

37. Training events for traditional leaders have been organized, with the aim of obtaining their commitment to promote women's rights and prevent all forms of violence against women.

38. In addition, a film on combating gender-based violence was made in 2013 to demonstrate the commitment of traditional leaders in promoting gender and combating gender-based violence (GBV).

39. A National Strategy to Combat GBV is currently awaiting validation.

40. Following the 2010 evaluation of the mechanism for preventing and combating gender-based sexual violence at the Legal Counselling and Advice Centres, a national platform and seven regional platforms to combat gender-based violence have been put in place.

Awareness raising

41. Awareness-raising activities have also been carried out.

42. In 2012, a book titled "*Je brise le silence*" (I'm breaking the silence) was published with a print-run of 500. This book recounts acts of violence reported to the Legal Counselling and Advice Centres and Gender Links. It aims to help the population break the law of silence, by reporting acts of violence of all kinds, and

obtaining guidance at the Legal Counselling and Advice Centres, the legal clinics, the Anti-vice and Minors Protection Police (PMPM), the children's courts or other relevant public services, such as health. The aim is to combat impunity, by identifying the perpetrators, bringing them to justice and sentencing if the facts are proven, and paying compensation to the victims by way of reparation.

43. Since 2013, laws on women's rights, different forms of violence, and the related sanctions, have been disseminated in the 22 regional capitals of Madagascar;

Protection, assistance and caring for victims

Medical, psychosocial, and legal assistance:

44. In the capital city, a single window facility has been set up within CHUA-GOB to provide integrated care for children who are victims of sexual violence. This facility consists of health professionals, social workers, and investigators from the judicial police. Two other windows are expected to be set up in other localities yet to be determined, supported by the United Nations Children's Fund (UNICEF). In the long term, women victims of violence will also be beneficiaries of this facility.

45. Psychosocial care is provided by 20 Legal Counselling and Advice Centres distributed in 14 regions,[1] and legal assistance is provided by nine legal clinics set up in Antananarivo, Mananjary, Manakara, Taolagnaro, Sakaraha, Ambalavao, Ihosy, Farafangana, Toliara.

46. In 2014, as part of the Human Security project, relating to the protection of women and strengthening of measures to prevent and punish violence against women, judiciary police officers from the national police force and national gendarmerie, together with trainees from the National Gendarmerie Academy, Moramanga, received training in listening and counselling techniques, and the procedure for taking care of GBV victims, with support from the United Nations Population Fund (UNFPA).

47. In April 2015, in collaboration with ENDA Indian Ocean, as part of the project on Conjugal Violence Action and Prevention, two Gendarme officers received training as trainers on listening, counselling and taking care of women victims of conjugal violence. They will constitute the training team within the Gendarmerie.

48. In addition, 95 police officers from the different police services received training on combating conjugal violence in 2013; and another 145 were trained in 2014.

49. In partnership with the Cooperation and Cultural Action Service (SCAC), the Ministry of Justice has set up a team of lawyers within the Law Centre housed in the premises of the Court of Anosy, to provide free defence services for women and children victims of all forms of violence.

[1] Boeny, Betsiboka, Atsinanana, AlaotraMangoro, Analamanga, Haute Matsiatra, Anôsy, Androy, Bongolava, Itasy, Analanjirofo, Amoron'i mania, Menabe and Vakinankaratra.

Sanction

50. To provide better protection for women against violence, the law specifies criminal sanctions in respect of offences against the physical integrity of women, including sexual offences.

Criminalization of sexual harassment and conjugal rape

51. While sexual harassment is specified as a criminal offence, conjugal rape is not yet so defined.

Trafficking in women and the exploitation of prostitution

Legislative reform

52. In 2015, Law No. 2014-040 of 20 January 2015, on combating human trafficking, contains a provision aimed at criminalizing practices akin to slavery and all other forms of exploitation of human beings, that constitutes trafficking in the sense of article 3 of the Additional Protocol to the Convention against Transnational Organized Crime.

53. This law criminalizes and specifies penal sanctions for trafficking of all kinds, whether national or transnational, covering the following:

- exploitation of the prostitution of a person or group of persons;
- exploitation of domestic labour;
- forced labour and practices akin to slavery;
- forced marriage;
- sale of persons;
- illegal adoption;
- servitude to repay a civil debt;
- exploitation of the begging of others;
- organ trafficking.

54. Trafficking also covers the sexual exploitation of children for commercial purposes.

55. This law has been circulated to all units of the National Gendarmerie for application; its provisions will be the subject of instruction sessions during in-service training events in the judicial police.

56. For more effective enforcement of the aforementioned law, the National Office to Combat Human Trafficking has been created as an interministerial structure in the government, including civil society. This Office is responsible for harmonizing and coordinating all actions to combat human trafficking and, in particular, the trafficking of women and children.

57. In partnership with the International Organization for Migration (IOM) and UNICEF, a National Plan to Combat Human Trafficking has been prepared and was validated on 6 March 2014.

58. The implementation of this plan will enhance the promotion and protection of children's rights in Madagascar.

59. In addition, a national plan to combat human trafficking was adopted on 5 March 2015, in partnership with IOM and UNICEF.

60. In conformity with the United Nations Global Plan of Action to Combat Trafficking in Persons, pursuant to General Assembly Resolution 64/293, this Plan contains four strategic pillars: prevention of acts of trafficking; protection and assistance for victims; prosecution and repression of all perpetrators; and lastly, cooperation.

61. As the anti-trafficking law is new, the number of cases of inquiry, prosecution, and sentencing will be assessed after a wide-ranging campaign to raise awareness of the law.

Reintegration of prostitutes

62. Support programmes and rehabilitation and reintegration measures for prostitutes are envisaged, and will be included in the process of implementing the National Plan to Combat Human Trafficking.

63. Prostitution itself is not a criminal offence.

Participation in political and public life

64. In response to the concerns and recommendations of the Committee, the following measures have been adopted:

- Preparation of a draft law on equality between men and women in elective posts and in high government offices in 2012;
- Gender mainstreaming in local entities and media, in collaboration with Gender Links in 2011;
- Implementation of a network of women and women's associations known as *Firaisankinan'Andriambavilanitra Malagasy* (FIAMA) in the 22 regions, districts, communes and even villages (*fokontany*) since 2009. This organization aims to develop women's socioeconomic and political autonomy. It allows women to associate, express themselves, claim their rights, assist each other in undertaking development activities, encourage their participation in political life, and support female candidacies in the different elections, including participation in the municipal elections to be held in July 2015;

65. Proportion of women nominated or elected since the Fourth Republic:

- Government: six women out of 30;
- Parliament: 29 out of 151;
- Regional Prefect: 3 out of 22;
- District Chief: 24 out of 119;
- Mayors: 62 out of 1,579.

66. In April 2015 in partnership with the United Nations System, the Ministry of Population, Social Protection and the Advancement of Women (MPPSPF) officially launched the "Gender and elections" strategy in Madagascar, covering the period 2015 – 2020.

67. The chief objective of this strategy is to enhance the representation and participation of Malagasy women in decision-making, targeting multiple results, including: serving as a tool of gender integration in the public domain, informing and raising public awareness, and achieving greater representativeness for women in national and local decision-making mechanisms.

68. To promote women's representation at all levels of decision making, the following pillars were included in the strategy: application and integration of women-men parity in the party political electoral mechanism; promotion of the national identity card for women of voting age; promotion of female candidacies in all decision-making posts; and the strengthening of advocacy and lobbying.

Nationality

69. The adoption of the revised law withdrawing all discriminatory provisions on nationality will be reviewed in Parliament for adoption at its ordinary session in September 2015.

Education

70. Since 2003, Madagascar has been working to achieve the Millennium Development Goals by 2015, and those of the Dakar Framework for Action, specifically objectives relating to promoting gender equality and women's empowerment. One of the indicators chosen to measure progress achieved in this regard is the literacy rate among women aged 15-24, as compared to that of men.

71. The following table, which appears in the National Evaluation Report of Education for All (EFA) conducted in January 2015 by the National Ministry of Education (MEN), records education initiatives aimed at ensuring equality between men and women.

Table 1
Literacy rates among the 15-24 year-old population by gender and zone

		EPM 2005	*EPM 2010*	*ENSOMD 2012*
Zone	Gender	15-24 yrs	15-24 yrs	15-24 yrs
Rural	Men			
	Literacy rate %	74.1	75.0	68.7
	Women			
	Literacy rate %	69.4	70.1	73.8
F/M parity ratio		0.937	0.935	1.074

		EPM 2005	*EPM 2010*	*ENSOMD 2012*
Urban	Men			
	Literacy rate %	85.1	88.0	95.8
	Women			
	Literacy rate %	84.7	85.4	95.4
F/M parity ratio		0.995	0.97	1.00
Total (Urban+Rural)	Men			
	Literacy rate %	76.6	77.8	74.0
	Women			
	Literacy rate %	73.2	73.5	78.1
F/M parity rate		0.96	0.94	1.06

Sources: EPM 2005, EPM 2010 and ENSOMD 2012-2013 and authors' calculations.

72. For the 15-24 year age group, according to results of the 2005 and 2010 Periodic Household Survey (EPM), the proportion of individuals who can read and write and count has improved, irrespective of gender and zone. The results of the National MDG monitoring survey (ENSOMD), at the end of 2012, showed that the female literacy rate in the same age group is higher than that of men in the rural zone.

73. In the sphere of formal education, the MEN is promoting a number of activities in favour of girls: "Girls Education", a scholarship system to enable vulnerable girls to attend school and to raise parents' awareness with a view to abandoning traditional practices that obstruct schooling for girls.

74. According to the results of the recent national EFA evaluation, these actions have had positive effects on girls' schooling:

- The inclusion of national projections of the three to five-year old population for 2013 reports a gross pre-school attendance rate of 13.2% — 13.3% for girls and 13% for boys, giving a girl/boy parity index of 1.02.
- Between school years 2009-2010 and 2012-2013, on average girls dropped out and repeated less than boys — 16.9% of girls dropped out of school, compared to 17.2% of boys; and 21% of girls repeated grades, compared to 23% of boys.

Table 2
Trend of the repetition and dropout rates by gender

	2002-2003	*2005-2006*	*2009-2010*	*2012-2013*
Repetition rate				
Girl	34.8%	19.2%	19.0%	21.2%
Boy	37.2%	20.6%	21.3%	23.8%
Dropout rate				
Girl	8.2%	22.4%	18.7%	16.2%
Boy	8.1%	22.4%	18.8%	16.6%

Source: DPE_MEN statistical yearbooks and authors calculations.

75. The table below records higher achievement rates among girls, compared to boys, from 2011 to 2014.

Table 3
Trend of the primary school achievement rate

	2010-2011	*2011-2012*	*2012-2013*	*2013-2014*
Achievement rate (boys plus girls)	74.3	71.9	70.0	69.5
Achievement rate (girls)	74.3	72.3	70.7	70.4
Achievement rate (boys)	74.3	71.5	69.3	68.5

Source: DPE_MEN statistical year books.

Sexual violence and harassment in school and the incorporation of sexual and reproductive rights and health in school programmes

76. In the area of sexual violence and harassment, a school superintendent was prosecuted for harassment and rape of a female student in May 2015.

77. In the school domain, courses adapted to the children's age are given on sexual and reproductive law and health.

Employment

Disparities in pay and social benefits

78. No study has been done to highlight pay gaps between women and men. The 2016 Population Census to be conducted by the National Institute of Statistics (INSTAT) could remedy this shortcoming.

79. Obtaining social coverage in the informal sector remains a problem despite the initiative by the National Social Provident Fund to expand its actions in this regard in the informal sector.

Criminalization of sexual harassment at the workplace

80. Sexual harassment is punished by article 333 bis of the Penal Code. This article is applicable to harassment at the workplace.

81. The number of cases of sexual harassment at work is not available, because the victims are ashamed, and avoid reporting the harassment of which they are victims to the court.

82. The insufficient number of employment inspectors is a handicap in detecting cases of sexual harassment at the workplace.

83. The Legal Education Service in the Ministry of Justice is endeavouring to raise public awareness of the existence of the law against this offence, so that the victims can press charges.

Prevention of all forms of violence against women

84. The new anti-trafficking law covers the prevention of trafficking related to prostitution, and all contemporary forms of slavery, involving women migrants and girls employed as domestic servants.

85. The jurisdiction of Malagasy courts extends to the protection of the rights of female migrants.

Health

(a) Roadmap and budgetary funding

86. The roadmap for 2015-2019 will be put into effect by the Ministry of Health, with the contribution of its technical and financial partners.

(b) Health-care access for rural women

87. Improving access to basic health care and essential obstetric care, particularly for women living in rural zones and in remote areas, by:

- Scaling up the SONUB centres, providing basic maternal and neonatal health care, and emergency obstetric and neonatal care;
- Institutionalizing the audit of maternal deaths and obstetric complications, with a view to improving care quality, in all Malagasy health structures carrying out deliveries.
- The provision of local services has been prioritized through advanced and mobile strategies such as the holding of the Biannual Mother and Child Health Week (SSME), which aims to strengthen the supply and use of basic health services by means of an integrated package of services including vaccination, malaria prevention, ante-natal check-ups and family planning. The SSME provides free services whether on a fixed, advanced, or mobile basis. This has made it possible to strengthen and integrate effective strategies to reach targets in the most remote areas, representing 40% of the population.
- Implementation of the Campaign on Accelerated Reduction of Maternal Mortality in Africa throughout national territory, in the period 2014-2015. This campaign aims to obtain a commitment from decision-makers, including authorities from the highest to grass-roots levels, to exercise their leadership capacity to mobilize all live forces at the national level.
- The implementation of community activities to strengthen the referral system and community awareness of mother and newborn health issues, ante-natal check-ups, delivery in a health centre, postnatal check-ups, home care of the woman and newborn baby.
- The implementation of local strategies through community networks providing benefits, and follow-up to development actions in the mother and newborn survival programme (CPN package).

(c) High teenage pregnancy rates

88. Measures adopted to reduce the high rate of teenage pregnancy:

- In 2012, a document providing political guidance in reproductive health was adopted by the government.

- Strengthening of awareness raising on young people's reproductive health, through a joint multisector approach of the Ministry of Public Health, the Ministry of Youth and Leisure and the Ministry of National Education;
- Expansion of youth-friendly health centres, with the aim of providing integrated services on family planning – Adolescent and Young People's Reproductive Health (SRA), the Fight against Sexually Transmissible Diseases (STDs) and HIV/AIDS;
- Expansion of youth-friendly services where sociocultural activities are included in their integrated services on FP-SRA-STD-HIV/AIDS

(d) Cases of vesicovaginal fistula

89. Measures adopted to reduce obstetric fistula rates:

- Strengthening of surgeon capacity at the National Referral Centre for Obstetric Fistula (OF), and at the referral annexes surgical units in the country, for surgical repair of OF.
- Free surgical and psychosocial care for OF patients;
- Strengthening of community activities such as:
  - Strengthening of community awareness on OF prevention;
  - Strengthening of the referral system and community awareness-raising on mother and newborn health (antenatal check-ups, delivery at a health centre, postnatal check-ups, prevention and care in respect of obstetric fistula, home care for the mother and newborn.

Reform, sexual and reproductive education

- The draft Family Planning Law is still at the preparation stage.
- Chapter III of this draft law concerns access by children (all human beings under 18 years of age) to contraceptive methods and products.

(a) Sex education

90. Treated in point 11.

(b) Use of modern contraceptive methods.

- Contraceptive use increased from 18% in 2003 to 29% in 2008 (Source: Demographic and Health Surveys– EDS IV).
- Abortion is illegal in Madagascar

(c) Prevalence of unsafe abortion disaggregated by region and the economic status of the women

91. No study has been conducted to identify abortions practised in unsafe conditions. Consequently data on this are not available.

(d) Number of women serving prison sentences having been convicted for abortion

92. In Madagascar as a whole, four women are serving prison terms as a result of a conviction for abortion. This represents 0.02% of all convicted prison inmates.

(e) Discrimination, stigmatization of women living with HIV/AIDS and mother-child transmission of HIV/AIDS

- Law 2005-040 of 20 February 2006 on combating, and protecting the rights of persons living with, HIV/AIDS, targets discrimination and stigmatization of women living with AIDS, among other things;
- Improved access for pregnant women to primary HIV/AIDS prevention through the updating of HIV screening and counselling sites;
- Free HIV/AIDS tests during antenatal check-ups;
- Free care for pregnant women living with HIV/AIDS and the newborn of pregnant women living with HIV/AIDS.

Economic empowerment of women, rural women and climate change

Poverty reduction and participation by rural women in development policies

93. National legislation recognizes women's right to own real estate, to inherit property and to manage wealth on the same terms as men.

94. To assist women to become economically independent, enabling them to escape from trafficking and sexual exploitation and also to be able to keep their daughters in school beyond the age of puberty, women's associations and groupings have been equipped by UNDP as part of the implementation of the programme for increased participation by women, by improving the exercise of their civil and economic rights.

95. Many womens' associations and groupings who are beneficiaries of this support in the south-east and middle-west region have been able to obtain training, credit and agricultural or other materials to enable them to improve their production and consequently raise their living standards.

96. In addition, Madagascar has a national strategy on risk and catastrophe management, and a national contingency plan, to enable it to respond adequately, including the consequences of catastrophes and climate change.

97. The implementation of this plan makes it possible to take account of the climate- change component of development.

98. With support from UNDP to combat poverty including that of rural women, the challenges to be addressed consist of:

- raising domestic resources for rural development;
- addressing the problem of access to water;
- strengthening farmers' capacities;
- improving risk and natural-catastrophe management capabilities;

- putting social protection policy in place to support the most deprived and most vulnerable;
- improving rural security;
- opening up localities to promote trade and offer new opportunities to peasant farmers.

Disadvantaged women's groups

99. The International Convention on the Rights of Persons with Disabilities promotes the rights of such persons, paying special attention to handicapped women and children.

100. Madagascar ratified the International Convention on the Rights of Persons with Disabilities through Law 2014-0 31, authorizing ratification, and Decree 2015-687, ratifying the Convention.

101. The National Plan for Handicap Inclusion (PNIH) is conceived for the period 2015-2019, with the aim of increasing social participation by men, women and children with disabilities and ensuring their rights are upheld. This plan is a programming tool and a frame of reference for interventions in the sphere of disability, and aims to facilitate effective implementation of the aforementioned Convention.

102. The implementation of this plan contributes to greater autonomy for persons with disabilities, a reduction in dependence on their family members and the community; combating poverty, so that they contribute to the country's economic and sociocultural development.

Marriage and family relations

Measures adopted and envisaged to disseminate and ensure the full implementation of Law No. 2007-022 of 20 August 2007, relating to marriage and matrimonial regimes:

Measures adopted:

- Public legal awareness-raising and dissemination sessions, dealing specially with family law, including marriage, as well as access to justice, have been organized in numerous communities and *fokontany*, to which mayors and their deputies as well as the *fokontany* chiefs have been constantly invited and have attended.
- Guides for mayors and *fokontany* chiefs have been prepared.
- Brochures on marriage and family law generally have been distributed to the legal clinics and to the population during these sessions.
- Broadcasts on the subject have been disseminated many times on national radio on the weekly programme "Zo sy Lalàna", produced by the Ministry of Justice.

Future measures:

- For better knowledge and application of this law, it is intended to increase the number of legal dissemination sessions.
- After the municipal elections, the newly elected mayors and their deputies will receive appropriate training on this law, to bring them up to the same level of knowledge and competence.
- Television broadcasts for legal awareness-raising and dissemination will be produced alongside the radio broadcasts.
- Partnership with other sectors, public or private, affected by this domain, will be developed.

Details on the legal provisions relating to the division of property upon divorce:

103. The regime governing the sharing of spousal property differs according to whether the spouses have chosen the customary justice regime or they have signed a contract specifying the effects that their marriage will have on their assets.

In the case of the customary justice regime:

104. In the customary justice regime, the principle is "50-50" sharing, or "*zara-mira*". Nonetheless, a distinction needs to be made between personal assets which are the property of the spouses, whether movable or immovable, that they own at the date of the marriage, or those that they acquired during marriage, as a result of succession, donation, or will, and the common assets acquired during their life together. Because each spouse retains full ownership of his or her personal assets, and is free to dispose of them, the property of the union are administered jointly by the spouses. Each spouse may apply to the court to annul acts undertaken by the other spouse which exceed his or her rights. The annulment action is open to the other spouse for three months from the day on which cognisance was taken of the act in question. Nonetheless such action may not be filed more than one year after the dissolution of the marriage; and it may not prejudice the rights of third parties. If one of the spouses is unfit, incapable or prevented, or if he or she voluntarily abandons the life in common, the other spouse may apply to the court to exercise alone all part of the powers of administration, beneficial use, or disposal of the common assets. If later, this measure is no longer justified, the court may restore rights to the spouse who has been deprived of them.

In the case of a marriage contract:

105. If the spouses entered into a marriage contract, which is drafted in the form of a notarized deed or authenticated in the presence, and with the consent, of the spouses, before the marriage, but only takes effect on the date of the marriage, the assets will be divided as provided for in the contract.

Traditional marriages:

106. Traditional marriages can be registered with the Civil Status Officer, following the well-specified provisions contained in Law 2007-022. Nonetheless, before the accomplishment of the traditional ceremonies, the *Fokontany* Chief must remind the future spouses that bigamy is prohibited and punished by law. The accomplishment of the traditional ceremonies is verified by the *Fokontany* Chief attending in person,

on the day and at the time agreed upon in advance with the families. Following the ceremonies, their completion is recorded in a minute. This minute, a copy of which is sent to the spouses, also contains a signature of the spouses, the witnesses, and the *Fokontany* Chief who attended the ceremony. If they do not know how to sign, this is mentioned. The minute serves as evidence, until proven false. The *Fokontany* Chief must send a copy to the competent Civil Status Officer within 12 days, subject to the penalties indicated in Article 473 of the Penal Code. The Officer immediately prepares a marriage certificate in the light of the minute and the items provided to him. In the event of opposition presented in regular and appropriate manner, under the terms of Article 14, the minute will not be authorized.

The right of women to access property inheritance:

107. Under current legislation, women have the same inheritance rights as men. Nonetheless, it is specified that joint inheritors may agree that female inheritors can receive their share of the inheritance in the form of money in the light of an estimated inventory of all the property to be divided, and which will be verified by an authentic or authenticated deed.

Measures adopted and envisaged:

- Public awareness-raising and legal dissemination meetings;
- Brochures on family law generally and inheritance specifically, have been distributed to the legal clinics and the population during these meetings;
- National radio programmes on the subject have often been broadcast on the weekly programme "Zo sy Lalàna", produced by the Ministry of Justice.

108. The Ministry of Justice is currently working on reforms and amendments to family law legislation, including the Nationality Code and, in the future, Law 2007-0 22, to make them more consistent with the conventions ratified by Madagascar.

109. As noted above, like the other provisions on marriage, the spouses are reminded of the provision on polygamy at the time of their marriage and during the dissemination and awareness-raising meetings.

Optional Protocol to the Convention

110. Following the submission of Madagascar's report as part of the Universal Periodic Review in 2014, the Government accepted nearly all of the recommendations made, including ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

111. A plan for implementing these recommendations has been put in place.

112. The plan includes ratification of the Optional Protocol to the Convention, and the process relating thereto is under way.